THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.730 OF 2000

Dt: 11.08.2005

Between:

M/s.Binny Limited

Rep.by its General Manager

7-1-59/1, Dharmakaram Road

Ameerpet, Hyderabad … APPELLANT

AND

The Presiding Officer

Additional Industrial Tribunal-cum-

Additional Labour Court, Hyderabad

Rep.by its Presiding Officer and others … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.730 OF 2000

JUDGMENT: (per the Hon'ble Smt. Justice T.Meena Kumari)

The present Writ Appeal is filed by the appellant-Company aggrieved by the Order, dated 06.03.2000, in Writ Petition No.14559 of 1994 passed by a learned single Judge of this Court.

The said Writ Petition was filed by the appellant-Company challenging the Award dated 30.10.1993 in I.D.No.34 of 1993 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad.

The brief facts of the case are as follows:

The second respondent worked under the appellant-Company as a Stenographer for a period of 14 years from 02.03.1964 to 31.03.1978; that he was paid retrenchment compensation as required under Section 25-F of the Industrial Disputes Act and was removed from service on the ground that the branch was closed. Thereafter, the office of the appellant-Company was reopened at Hyderabad in January, 1984 and new staff were recruited without giving preference to him in spite of offering his service and that his representations were rejected without any valid reason. Hence, he raised an I.D. before the Additional Labour Court, Hyderabad. The Labour Court directed the appellant-Company to re-employ the second respondent in any post of clerk/typist/stenographer in view of his experience and qualifications to which he is suitable and fit. Aggrieved by the same, the appellant-Company filed the above said Writ Petition. The learned single Judge after going into the merits of the case, dismissed the Writ Petition observing that the second respondent being an experienced employee, he can always be accommodated in a post equivalent to the post that was held by him at the time of retrenchment in preference to freshers as well as juniors. Hence, the Writ Appeal.

It is the contention of the learned counsel for the second respondent-workman that as the appellant-Company has recruited three or four persons, he is also entitled for re-employment.

Learned counsel appearing for the appellant-Company has submitted that the appellant-Company has recruited only four engineers and that it has not recruited staff like Stenographers and that whenever a recruitment is made to such posts, an offer would be made to the second respondent herein.

We see some force in the submission made by the learned counsel for the appellant-Company.

Accordingly, we set aside the Order of the learned single Judge and allow the Writ Appeal directing the appellant-Company to offer the post of Stenographer to the second respondent in case of any recruitment.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 11.08.2005

bsv/lvl